



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

March 28, 2019

Hon. Gary Nadler
Chair, Trial Court Presiding Judges Advisory Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94012

Dear Presiding Judge Nadler:

Thank you for organizing and sharing the issues and concerns of presiding judges regarding operational changes to the Temporary Assigned Judges Program. I value your role as chair of the Trial Court Presiding Judges Advisory Committee (TCPJAC) in representing the perspective of your court colleagues. I share these concerns, and many are consistent with other communications received. Some are also consistent with feedback my staff received during the transition meetings and conference calls (54 to date) with individual presiding judges and court executive officers over the last nine months.

The meetings with local court leadership, together with your input over time as TCPJAC chair, have been helpful in identifying issues where further review is needed or greater clarity would assist the courts. Several of these issues are addressed below.

In the regular course of business in which assignment requests submitted by courts are reviewed, increased tracking and analysis of the common aspects of calendar management challenges as well as exception circumstances for specific assignments are helping to inform program improvements. One such improvement being implemented is setting internal performance goals for timeliness in responding to assignment requests and sharing those expectations with the courts.

With respect to the 1,320-day service limit, Judicial Council staff are continuing to examine the issue of lost efficiencies related to the approximately 20 percent of judges serving in the program who fall into this category.

A more defined process for seeking exceptions would be beneficial for courts. Consequently, greater clarity will be provided on the exception process and the time frame for requesting and receiving a response, both for planned absences as well as for requests that arise due to

unforeseen circumstances that prevent the submission of a timely request by a court. Staff will also be reviewing more closely the issue of assignment continuity in relation to single or multiple temporary assigned judges handling trial duties that extend beyond two or three weeks.


Details on the exception process as well as parameters and expectations on timeliness of submissions and responses to standard and exception requests will be incorporated into the updated *Temporary Assigned Judges Program Handbook*, anticipated to be disseminated to courts shortly.

Because the May 2018 memorandum announcing policy and procedural changes made clear that exceptions may apply, courts are availing themselves of this opportunity. In fact, over the past three months, courts have submitted 121 exception requests for assignments: of these, six exceptions were for judges within 90 days of retirement; 12 were for judges with more than 120 annual service days; and the majority, 103, were for exceptions to the 1,320 lifetime service days limit. Working with the courts, staff were able to address 33 requests to determine that exceptions were not needed. In total, 88 exception requests were forwarded to me. I approved all 88.

Finally, regarding the allocation of program days to each court based on 50 percent of annual average usage over the prior three years, it bears repeating that this initial allocation was a starting point to ease the transition and begin to examine usage levels more closely. Early reports following this change indicate that some courts are using more days and others are using less. Further analysis will add to the data already available to inform consideration and final determination of the allocation process for future years.

I appreciate you sharing these issues on behalf of the presiding judges. As we continue to advocate for funding for judgeships in trial courts with critical shortages, the Temporary Assigned Judges Program is providing a vital access bridge. I remain committed to ensuring that the program's limited resources are directed to those courts with the greatest need and, equally, that public funds are being expended wisely.

Sincerely,

A handwritten signature in black ink, reading "T. Cantil-Sakauye". The signature is fluid and cursive, with the first name "T." and last name "Sakauye" clearly legible.

Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

TCS/tc

cc: Hon. Joyce D. Hinrichs, Vice-Chair, Trial Court Presiding Judges Advisory Committee
Mr. Martin Hoshino, Administrative Director, Judicial Council